

**EXHIBIT 11**

**Valley Gas (2139 South Elm)**

- Deposition of Imtiaz Ahmad, pgs. 20, 23, 41-43 (Feb. 16, 2011)



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<p style="text-align: right;">Page 17</p> <p>1 If there's something that we talked about and then  2 later in the day you remember something else, and you want  3 to revisit it or clarify an answer, we'll be happy to do  4 that. You just let us know. Do you understand that?  5 A. All right.  6 Q. We can take breaks whenever anybody wants to. As I  7 mentioned in walking down the hallway, we'll take a lunch  8 break at some point. My feeling is if we cover as much as  9 we can with you, then we can have your wife come over later  10 and not take as long with her perhaps. Maybe that will work  11 out well.  12 A. That would be fine, too.  13 Q. Have you consumed any drugs or alcohol, including  14 prescription medication, that might affect your ability to  15 recollect events and give testimony here today?  16 A. I took some pills this morning, but I don't think  17 that would affect my answering your questions.  18 Q. Okay. Again, if you feel you need to take a break  19 for any reason, just let us know.  20 A. I'll do that.  21 Q. We'll be happy to do that. Do you have any  22 questions about the deposition process?  23 A. No, sir.  24 (Exhibit No. 1 was marked for  25 identification.)</p>	<p style="text-align: right;">Page 19</p> <p>1 believe.  2 Q. Okay. So you're indicating the two addresses you  3 recognize 2139 South Elm and 4205 East Olive?  4 A. Yeah.  5 Q. Did you have a chance -- I think you may have been  6 sent more than one copy of this because we had different  7 dates for your deposition.  8 A. Right.  9 Q. Did you have a chance to look through the list of  10 documents requested here?  11 A. At this point -- we sold it back in '96 and '97, so  12 we waited for so long and after that -- as the matter of  13 fact, we just destroyed all the stuff last year.  14 Q. So you don't have any documents currently in your  15 possession?  16 A. No, I don't have anything that you're asking here.  17 For example, gasoline where it says an agreement and any of  18 the stuff, it's all -- you know, we let it go.  19 Q. And you didn't bring any documents with you here  20 today to produce?  21 A. I have nothing with me, so I didn't bring anything  22 with me today.  23 Q. Okay. It didn't look like you did. I was just  24 asking. Make sure you didn't have a box in the car or  25 anything.</p>
<p style="text-align: right;">Page 18</p> <p>1 MR. EICKMEYER: Q. Marked as Exhibit 1 the  2 deposition notice.  3 A. I believe this notice came in, but I did not read  4 it. Did not even open it. For the simple reason I got a  5 call from somebody from your office from Sacramento area,  6 and that's why I confused the date. I thought it was the  7 next -- next -- next Wednesday.  8 Q. We appreciate you being here. And you recognize  9 the subpoena; you're indicating you received that. That's  10 the reason that you're here today?  11 A. Right.  12 Q. If you turn a few pages in, there's a page titled  13 "Attachment." And while we're looking at documents, I'll  14 try to direct you if I'm asking you to look some place in  15 particular. And if there's ever something you need to take  16 the time to read, just let us know and we can take a moment  17 to do that.  18 Could you take a look under number 1, there's a  19 list of station addresses. And I think the addresses in  20 there that we mentioned 2139 South Elm. Could you take a  21 look and see if you were affiliated with any other gas  22 stations at any of these addresses?  23 A. Can I get a pen from you?  24 Q. Sure. Sorry.  25 A. I believe 2139 South Elm and 4205 E. Olive I</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No, no, I did not.  2 Q. Okay. Let me ask you about the 4205 East Olive for  3 a moment. Did you have a gas station at that site?  4 A. There's -- there's a gas station, yes.  5 Q. Can you describe for us what was your affiliation  6 with the station at 4205 East Olive?  7 A. I think what -- what I need to give you some  8 background on this issue. We bought five gas stations from  9 Ultramar at that time. And because of the SB rules and the  10 way the loan works, we ended up splitting the five gas  11 stations into two groups, Petro Group I and Petro Group II.  12 Petro Group I had 4205 East Olive, and then there's another  13 gas station on the corner of -- it's also on Olive Avenue --  14 4205 East Olive and the cross street is Fresno on this one.  15 The other one is also Olive and -- wow. This -- it's across  16 from the airport in Fresno. Olive and Peach. There you go.  17 So those were two that were in part one, Petro Group I, and  18 2139 South Elm in Fresno. And there was one in Coalinga and  19 one in Hollister, they were Petro Group II. So that's the  20 association.  21 Q. Now, I have some documents here. We can talk  22 about. I think most of what I have is focusing on the Elm  23 station. For shorthand can we -- I know you said there were  24 two on Olive. If we say Elm station, we're referring to  25 2139 South Elm; is that fair?</p>

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<p>1 A. Um-hmm.</p> <p>2 Q. Is that --</p> <p>3 A. That would be fine, yes.</p> <p>4 Q. You said um-hmm, so --</p> <p>5 A. Yeah, I'm sorry. Sorry.</p> <p>6 Q. And if we say Olive, can that refer to the station</p> <p>7 at 4205 East Olive?</p> <p>8 A. Yes.</p> <p>9 Q. During the years that Petro Group I had the station</p> <p>10 on Olive, can you describe for us what years that was?</p> <p>11 A. I believe we took it over on October 29 at these</p> <p>12 locations. And we operated that location until '97 when we</p> <p>13 sold it out to some other people. And up to that time part</p> <p>14 of the time it was branded as Beacon, and I think about</p> <p>15 after three or four years we would become independent.</p> <p>16 Q. I'm sorry, what year did you acquire the Olive</p> <p>17 station?</p> <p>18 A. I believe we took it over at some time October 29,</p> <p>19 1991.</p> <p>20 Q. And let's stick with the Olive station for a moment</p> <p>21 so it was branded Beacon when you took it over?</p> <p>22 A. Yes.</p> <p>23 Q. And then after a few years became independent. So</p> <p>24 did it have any name on it at that time?</p> <p>25 A. It did have a name. So just give me a moment.</p>	<p>1 jobber, Total is a jobber. Total is a jobber. Sabek is a</p> <p>2 jobber or wholesaler. That's what you want to call them.</p> <p>3 Q. Yeah. I'm not familiar with Sabek and that, so I</p> <p>4 didn't know if they used other jobbers. They made their own</p> <p>5 deliveries; is what you're saying?</p> <p>6 A. He made his own deliveries, yeah. He made his own</p> <p>7 deliveries.</p> <p>8 Q. Let's go to the station on Elm. If you're ever not</p> <p>9 clear which station, please let me know. And I'll try to</p> <p>10 make it clear.</p> <p>11 A. Okay.</p> <p>12 Q. When you described it earlier, I think you said it</p> <p>13 was Petro Group II then acquired the station on Elm?</p> <p>14 A. That is correct.</p> <p>15 Q. Do you recall when that was?</p> <p>16 A. 2139 that was part of Group II.</p> <p>17 Q. Do you recall when that was acquired?</p> <p>18 A. That was acquired, like I said, October 29, 2000 --</p> <p>19 1991. I'm sorry.</p> <p>20 Q. I think you described the five stations were bought</p> <p>21 at the same time?</p> <p>22 A. They were bought the same day.</p> <p>23 Q. And do you remember when the Petro Group sold or</p> <p>24 divested the Elm station?</p> <p>25 A. I believe this got sold first, so this was sold</p>
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<p>1 MR. DAVIS: Evan, I'm sorry to interrupt. This is</p> <p>2 Sammy Davis on the phone. My connection broke up for a</p> <p>3 moment. What was the address? There's a couple on Olive</p> <p>4 here on your list.</p> <p>5 MR. EICKMEYER: One on Olive on the list 4205 East</p> <p>6 Olive. So that's the one we're talking about now.</p> <p>7 MR. DAVIS: Thank you.</p> <p>8 THE WITNESS: I know you're asking me the name --</p> <p>9 the brand name. Valley Gasoline.</p> <p>10 MR. EICKMEYER: Q. After Valley Gasoline did it</p> <p>11 ever change brands up until you sold that station?</p> <p>12 A. No.</p> <p>13 Q. Who was the refiner supplying gasoline to that</p> <p>14 station on Olive?</p> <p>15 A. In the beginning the Ultramar was doing it. And</p> <p>16 then when we became independent, we bought from Total Energy</p> <p>17 out of Sacramento. And then another outfit in south San</p> <p>18 Francisco called -- Sabek Oil, S-A-B-E-K, Oil out of South</p> <p>19 San Francisco. But a majority of the gasoline came from</p> <p>20 Total at that time.</p> <p>21 Q. Do you recall who the jobbers were that were</p> <p>22 supplying gasoline to the Olive station? The trucking</p> <p>23 companies or jobbers?</p> <p>24 A. With the Ultramar, they were their own jobbers.</p> <p>25 Ultramar had their own gasoline. And then when you said</p>	<p>1 probably sometime toward the end of 1996.</p> <p>2 Q. Do you recall what the Elm station was branded?</p> <p>3 A. It was branded Arco.</p> <p>4 Q. Was that during the entire time you had it?</p> <p>5 A. No. I think when we -- it was branded Arco I would</p> <p>6 say three, four years. And then when we -- then we left</p> <p>7 Ultramar, then we left -- we let Arco sign go, too.</p> <p>8 Q. Did that Elm station also become Valley Gasoline?</p> <p>9 A. Yes, it did.</p> <p>10 Q. And so that was about the same time?</p> <p>11 A. About the same time, yes.</p> <p>12 Q. You left Ultramar?</p> <p>13 A. Yes, within a few months it was let go.</p> <p>14 Q. Who was supplying the gasoline when it was an</p> <p>15 Ultramar station?</p> <p>16 A. Ultramar did because Ultramar were Arco's jobber,</p> <p>17 so they supplied the gas.</p> <p>18 Q. To your knowledge was Ultramar also the refiner of</p> <p>19 the gasoline they were providing?</p> <p>20 MR. PATTON: This is Ben Patton on the phone.</p> <p>21 Objection. Calls for speculation.</p> <p>22 THE WITNESS: My understanding -- my understanding</p> <p>23 is that Ultramar had a refinery back south. And the way you</p> <p>24 guys do it or the whole supply exchange and all that, the</p> <p>25 gasoline that we got came out of either Sacramento or out of</p>

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<p style="text-align: right;">Page 41</p> <p>1 had any experience working in a gas station before these 2 five stations? 3 A. No, sir. 4 Q. Now, on the -- on the form here that's been 5 completed, was this form completed as accurately as possible 6 to the best of your knowledge at the time that you signed 7 it? 8 A. Yes, sir. 9 Q. It looks like on the second page Shirley McMurphy 10 now says Ahmad after it. So she was your wife by this time? 11 A. By that time. We got married in '92. 12 Q. Oh, great. Congratulations. 13 Okay. We can set that aside. 14 (Exhibit No. 9 was marked for 15 identification.) 16 MR. EICKMEYER: Q. I'm handing you Exhibit 9. 17 This is titled I believe Single Form of Agreement for 18 Purchase and Sale of Commercial Property. Bates is RWQCB 19 hyphen Fresno hyphen 001448 through 1449. Mr. Ahmad, do you 20 recognize your signature toward the bottom of the second 21 page? 22 A. Yes, I do. 23 Q. And your wife's signature below yours? 24 A. Yes. 25 Q. Can you describe for us what this document</p>	<p style="text-align: right;">Page 43</p> <p>1 A. That is correct. 2 Q. So that would be January 3rd, 1997? 3 A. Right. 4 Q. Okay. You can set that aside. 5 (Exhibit No. 10 was marked for 6 identification.) 7 MR. EICKMEYER: Q. Handing you Exhibit 10. This 8 is State of California Underground Storage Tank Permit 9 Application Bates RWQCB hyphen Fresno hyphen 001808. Do you 10 recognize there's a name that has signed this? It looks to 11 me like it might Robert something. Down toward the bottom. 12 Do you recognize that person's name? I'm not sure it might 13 be Robert C. Kegan or Reagan. Does that ring a bell with 14 anybody with a name along those lines? 15 A. So who is this person? 16 Q. Right. That's what I'm asking. I'm not quite sure 17 what their name is. Do you recognize who that person's name 18 is? 19 A. No, I don't. 20 Q. Now, this is dated it looks across from his 21 signature 12/8/98 I believe, and I note in the middle of the 22 page you're listed as the property owner and the tank owner. 23 Did you consider yourself to be the property owner and tank 24 owner in about December of 1998? 25 A. No, I was never the owner. I mean -- I was</p>
<p style="text-align: right;">Page 42</p> <p>1 represents? 2 A. This document is, let's see, '97. So this is where 3 we sold that particular location Elm Street, what is it -- 4 2139 Elm Street was sold to a gentleman for a certain price 5 and nothing more, nothing less. 6 Q. Now, the people who it was sold to, I'll spell 7 their names on the record. This is about the fourth line 8 down it says, "Agreed to sell to Khalid, K-H-A-L-I-D, 9 Mohammad -- or Mohmood, M-O-H-M-O-O-D, and Khalida, 10 K-H-A-L-I-D-A, is it Shafqat? 11 A. Shafqat. 12 Q. S-H-A-F-Q-A-T? 13 A. That's a husband and a wife. 14 Q. And Mohammad, M-O-H-A-M-M-A-D, Shahid, S-H-A-H-I-D, 15 and Sajida, S-A-G-I-D-A, Shafqat, S-H-A-F-Q-A-T; is that 16 correct? 17 A. That is correct. 18 Q. Is that two sets of husbands and wives? 19 A. Yes. 20 Q. And so this is what you had described earlier I 21 think when you said that the 2139 South Elm location had 22 been sold off to someone else? 23 A. That is correct. 24 Q. And is it correct -- I'm trying to read the dates 25 on the bottom of the second page. It looks like 1/3/97?</p>	<p style="text-align: right;">Page 44</p> <p>1 considered the owner, yes. I considered it. But I was not 2 legally on any of the properties. My personal thinking at 3 this moment is I think Robert is someone who was going to 4 upgrade the tanks at that time because it's not my writing. 5 So Robert is doing it. And I believe he's trying to fill 6 out these forms on behalf of the buyers. And since he did 7 not have a complete understanding who the owners are and all 8 that stuff, so that's how my name gets in there as owner. 9 But I think it has to do -- something to do with upgrading 10 the tank to compliance with the '97 rule I believe. That's 11 what that is I believe. 12 Q. Okay. 13 A. I -- I would not know. I think it looks like it 14 says president IC some company. 15 Q. Okay. Well, we'll see if we can run across his 16 name. We can set that aside. Thank you. 17 (Exhibit No. 11 was marked for 18 identification.) 19 MR. EICKMEYER: Q. Handing you Exhibit 11. This 20 is Fresno County Community Health Department UST Monitoring, 21 slash, Emergency Response Plan, Bates FCDEH hyphen Fresno 22 hyphen 003916. Do you recognize is this your writing that 23 filled out this form? 24 A. No, sir, it's not mine. 25 Q. And, hey, I think we -- we see a name at the bottom</p>

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